

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

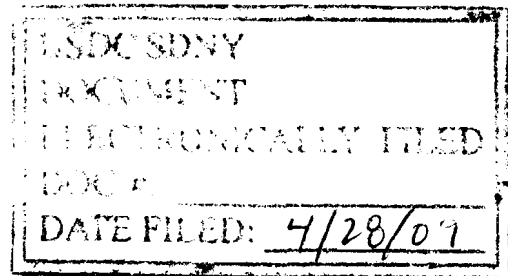
-----X
RESCH, et al.,

Plaintiffs,

- against -

BEACHCOMBER USA, INC., et al.,

Defendants.
-----X



08 Civ. 6064 (RMB) (RLE)

ORDER OF DISCONTINUANCE

Based upon Plaintiffs' letter, dated April 24, 2009, stating that "an agreement of settlement ha[s] been concluded among the parties," (Ltr. from Timothy G. Ronan, Esq., to Hon. Richard M. Berman, dated Apr. 24, 2009, at 1), it is hereby

ORDERED, that the above-entitled action be, and the same hereby is, discontinued; provided, however, that Plaintiffs or Defendants may apply, on or before June 12, 2009 (noon), by letter showing good cause why this action should be restored to the calendar of the undersigned. Defendants' motion to dismiss [#14] is hereby dismissed as moot.

SO ORDERED.

Dated: New York, New York
April 28, 2009

A handwritten signature in black ink, appearing to read 'RMB' with a stylized flourish.

Richard M. Berman, U.S.D.J.